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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

In re:

JAMES DONDERO,

**Appellant.**

V.

## **HIGHLAND CAPITAL MANAGEMENT, L.P.,**

### Appellee.

Case No. 3:21-cv-01590-N

**APPELLANT JAMES DONDERO'S UNOPPOSED MOTION  
FOR EXTENSION OF TIME TO FILE OPENING BRIEF**

James D. Dondero (“Appellant”), the appellant in the above-captioned bankruptcy appeal, hereby files this *Unopposed Motion for Extension of Time to File Opening Brief* (the “Motion”) and respectfully represents as follows.

## **I. BACKGROUND**

1. On June 15, 2021, Appellant filed a notice of appeal of the bankruptcy court's *Memorandum Opinion and Order Granting In Part Plaintiff's Motion to Hold James Dondero in Civil Contempt of Court for Alleged Violation of TRO* [Adv. Dkt. 191] entered by the United States Bankruptcy Court for the Northern District of Texas on June 7, 2021. *See* Adv. Dkt. 195.

2. On June 29, 2021, Appellant timely filed *Appellant's Designation of Items to be Included in the Record on Appeal and Statement of Issues to be Presented* [Adv. Dkt. 203]. As requested by the bankruptcy clerk, the designation was later amended to change the ordering of certain of the designated items.

3. On August 6, 2021, the bankruptcy clerk transmitted the record on appeal to this Court, but indicated that the record was deficient because certain court admitted exhibits for the hearings on 12/10/20 and 1/8/21 were not provided.

4. On August 12, 2021, Appellant filed *Appellant's Unopposed Motion to Supplement the Record on Appeal* [Docket No. 10] to address the deficiencies in the record.

5. On August 24, 2021, this Court entered the *Order Granting Appellant's Unopposed Motion to Supplement Record on Appeal* [Docket No. 12]. The order authorized Appellant to provide to the bankruptcy clerk certain supplemental items to be included in the record on appeal. The order also provided that Appellant's opening brief would be due within 30 days after the supplemental record was transmitted to this Court in accordance with Rule 8018 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules").

6. On September 7, 2021, the supplemental record on appeal was transmitted to this Court. *See* Docket No. 13.

7. Accordingly, Appellant's opening brief is currently due on October 7, 2021.

**II. REQUEST FOR RELIEF**

8. By this Motion, Appellant respectfully requests a 30-day extension of time in which to file his opening brief.

9. Good cause exists for the requested extension. Lead counsel for Appellant, Mr. Jeffrey S. Levinger, has various other scheduling conflicts during the next several weeks, including oral arguments in the Dallas Court of Appeals and Texas Supreme Court, and is therefore unable to devote the necessary time to prepare the brief. A 30-day extension should provide counsel with sufficient time to address these other matters and to prepare Appellant's opening brief.

10. Undersigned counsel for Appellant has conferred with counsel for Appellee Highland Capital Management, L.P. on this extension request and counsel for Appellee has indicated that the Appellee is **unopposed** to the requested 30-day extension of time.

11. Accordingly, for the reasons set forth above, Appellant respectfully requests that this Court enter an order granting this Motion and extending the deadline for Appellant to file his opening brief from October 7, 2021 through and including November 8, 2021.

**PRAYER**

WHEREFORE, Appellant respectfully requests that this Court enter an order (i) granting this Motion, (ii) extending the deadline for Appellant to file his opening brief from October 7, 2021 through and including November 8, 2021, and (iii) granting Appellant such other and further relief as may be just and proper.

Dated: September 16, 2021

Respectfully submitted,

/s/ Jeffrey S. Levinger

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**ATTORNEYS FOR APPELLANT JAMES DONDERO**

**CERTIFICATE OF CONFERENCE**

On September 15, 2021, the undersigned counsel for Appellant conferred with John Morris, counsel for Appellee, regarding the relief requested herein. Mr. Morris stated that the Appellee is unopposed to the Motion and the requested 30-day extension.

/s/ Bryan C. Assink

Bryan C. Assink

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that, on September 16, 2021, a true and correct copy of the foregoing document was served via the Court's CM/ECF system on counsel for Debtor-Appellee Highland Capital Management, L.P. and on all other parties requesting or consenting to such service in this case.

/s/ Bryan C. Assink  
Bryan C. Assink